

UNITED STATES DISTRICT COURT
for the
District of Nebraska

United States of America
v.

SAMUEL IZAGUIRRE

Defendant(s)

SEALED

Case No. 4:20MJ3102

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 29, 2020 in the county of Lancaster in the
District of Nebraska, the defendant(s) violated:

Code Section

18 U.S.C. § 922(g)(3) and
18 U.S.C. § 924(a)(2)

Offense Description

On or about May 29, 2020, Defendant SAMUEL IZAGUIRRE, knowing he was an unlawful user of marijuana, a Schedule I controlled substance, knowingly possessed a firearm/ammunition in and affecting commerce, that is 9mm FC Luger ammunition, which had been shipped and transported in interstate commerce.

This criminal complaint is based on these facts:

See the attached affidavit.

☒ Continued on the attached sheet.

☐ Sworn to before me and signed in my presence.

☒ Sworn to before me by telephone or other reliable electronic means.

Date: 06/01/2020

City and state: Lincoln, Nebraska



Complainant's signature

Special Agent Brandon Day, FBI

Printed name and title



Judge's signature

Cheryl R. Zwart, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT OF BRANDON DAY

1. I am an investigative or law enforcement officer of the United States, within the meaning of Section 2510(7) of Title 18, United States Code, and am empowered by law to conduct investigations of and make arrests for offenses enumerated in Section 2516 of Title 18, United States Code. I have been a Special Agent of the Federal Bureau of Investigation (FBI) since March 2016. Prior to that, I was a Special Agent with the Drug Enforcement Administration (DEA) in St. Louis, Missouri, assigned to a violent drug trafficking task force, and a police officer with the Lincoln Police Department in Lincoln, Nebraska. I have participated in numerous and varied criminal investigations, from robbery investigations to drug trafficking investigations.
2. The facts in this affidavit come from my personal observations, my training and experience, and information and reports obtained from other agents, investigators, and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.
3. Samuel Izaguirre (hereafter "Samuel") is an unlawful user of marijuana. Samuel is also a documented member of a criminal street gang based out of Lincoln, Nebraska known as the 'South Side Wino's or commonly referred to as the 'Wino Gang'. On 09-11-2016, Samuel was contacted as a passenger in a vehicle stop with four other occupants by Lincoln Police Officer Nitz #1608 at Idylwild/Holdrege. One occupant admitted everyone had just smoked a 'blunt'. During the stop, Samuel turned over a sandwich bag containing 4.1 grams of marijuana. During a search of the vehicle, a book bag containing 140 grams of marijuana was located. Samuel was cited for possessing marijuana.
4. On 11-24-2016, Lincoln Police Officer Nelson #1503 contacted Samuel as an occupant of a vehicle in the 500 block of Adams Street along with two other occupants. Officer Nelson note the occupants smelled of marijuana and looked as if they just smoked marijuana.
5. On 05-23-2018, Lincoln Police Officers Salcedo #1778 and Jennings #1650 conducted a search of Samuel's residence at 6037 Meridian Dr. #412 long with Samuel's probation officer. During the search, Officers located 4.3 grams of marijuana, a scale, and cigarillos which are commonly used to roll marijuana blunts in Samuel's bedroom. Samuel also failed a drug test administered probation during the search.
6. On 08-25-2018, Lincoln Police Officer Cleveland #1790 conducted a vehicle stop at 14th and Garfield Street where Samuel was the driver along with two other passengers. Officer Cleveland smelled marijuana coming from the vehicle and located a 3.6 gram bag of marijuana in Samuel' pants pocket, along with a digital scale.
7. On 12-06-2018, Lancaster County Sheriff's Deputy Brownell conducted a vehicle stop and contacted Samuel as an occupant of the vehicle along with three other people. During the stop, Samuel claimed ownership of two bags of marijuana weighing 27.8 grams and

30.2 grams. Samuel was cited/lodged for possessing a controlled substance with intent to deliver.

8. On 08-30-2018, a campus supervisor at Lincoln High School contacted Samuel in a vehicle in the parking lot along with another occupant. Lincoln Police Officer Nelson #1426 responded to the vehicle and noted a strong odor of burnt marijuana coming from within the vehicle. During a search, Officers located a piece of notebook paper crumpled up down the back of Samuel's shorts that had 8.33 grams marijuana inside.
9. Investigator Villamonte was reviewing a data return from Samuel's known Snapchat account and observed a video from 11-08-2019 that depicted ecstasy pills in the video.
10. Investigator Villamonte was reviewing a data return from Samuel's known Snapchat account and observed a picture from 12-09-2019 of a rolled marijuana blunt along with loose marijuana in a tray with the caption of 'HMU for a tbh'.
11. Investigator Villamonte was reviewing a data return from Samuel's known Snapchat account and observed a picture from 12-15-2019 with the caption of 'Smoke a blunt with me?'
12. Investigator Villamonte was reviewing a data return from Samuel's known Snapchat account and observed a video from 12-17-2019 of a bag full of green marijuana buds.
13. Investigator Villamonte was reviewing a data return from Samuel's known Snapchat account and observed a picture from 12-24-2019 of Samuel holding an AR style rifle and a large amount of U.S. currency.
14. Investigator Villamonte was reviewing a data return from Samuel's known Snapchat account and observed a chat from 1-01-2020 where Samuel asks a user 'Aye you got wax bro?' Your Affiant knows that wax is a very potent form of THC that is ingested by smoking. Your Affiant also observed Samuel to ask a user 'Babe lets smoke'.
15. Investigator Villamonte was reviewing a data return from Samuel's known Snapchat account and observed a picture from 01-04-2020 with the caption of 'Again who gotpack?? Only gass !!' Along with a green leaf emoji. Your Affiant knows that 'pack' stands for marijuana and 'gas' is a term for potency of the marijuana.
16. On 01-04-2020, Lincoln Police Officers were radioed to 1822 Knox #10 on a report of an unconscious person who was not breathing. Officers found Samuel to be unresponsive and CPR was started on Samuel. Samuel was eventually given Narcan and became responsive. Samuel stated he had been smoking marijuana and had taken OxyContin.
17. On 01-13-2020, Lincoln Police Officer Elikier #1713 contacted Samuel as a driver in a traffic stop at 30th and Marshall Street. Officer Elikier smelled a strong odor of marijuana coming from the vehicle and a marijuana blunt was located during a vehicle search. Officer Elikier noted that all persons in the vehicle appeared to be under the influence of narcotics.

18. On 05-29-2020, Lincoln Police Gang Unit Investigators served a residential search warrant at Samuel's apartment at 1822 Knox #10 Street during an investigation into a drive by shooting where Samuel was suspected of shooting at a rival gang members residence. During the service of the warrant, Investigators located in Samuel's bedroom three bags of marijuana weighing 7.4 grams, 7.7 grams, and 243.6 grams. Investigators also located 54 brass 9mm FC Luger ammunition, which match casings found at the scene of the shooting. Investigators also located an additional 22 rounds of 9mm ammunition and a black Ruger gun case. Investigators located a glass pipe with marijuana residue inside in the living room of the residence.
19. Ammunition will have markings on the case cartridge near the primer, often referred to as "headstamp markings." The headstamp markings typically denote who manufactured the ammunition. As noted above, some of the ammunition found in Samuel's apartment had the "FC" headstamp marking. Federal Premium Ammunition (formerly known as "Federal Cartridge Corporation" uses the "FC" marking. Federal Premium Ammunition is headquartered in Anoka, Minnesota. To the best of your affiant's knowledge and belief, Federal Premium Ammunition does not have a manufacturing plant in the District of Nebraska.
20. Based on your affiant and investigative team's training and experience, including recent investigations into fellow South Side Wino gang members and associates, your affiant knows that gang members will often use cell phones to take pictures and record videos of illegal drugs, drug use, drug paraphernalia, firearms, and people (including themselves and fellow gang members and associates) possessing firearms. With members and associates of criminal street gangs, the possession, use, and distribution of controlled substances, and the possession of firearms, provides the members with increased status within the gang. Members and associates and gangs, such as the SSW gang, will use such depictions of drugs, and particularly marijuana, to advertise the sale of controlled substances. They will also use cellular phones to communicate with other suppliers and customers to coordinate the sale of controlled substances. Even mere users of controlled substances will likewise use cellular phones to coordinate the purchase of controlled substances, such as marijuana. Additionally, members and associates of criminal street gangs will often use pictures and videos of themselves and fellow members and associates of their gang in possession of firearms to increase the status of their gang, as well as to warn rival gangs that they possess firearms. The cellular phones are used to send such pictures and videos to others both through multimedia messages sent directly to a recipient, and also through the use of social media applications such as, but not limited to, Snapchat.
21. For the above stated reasons, your affiant submits that there is probable cause believe that Samuel Izaguirre committed a violation of 18 U.S.C. § 922(g)(3) (unlawful user in possession of a firearm) and that a warrant should be issued of his arrest.

Further your affiant saith not,


SA Brandon Day, FBI

Subscribed and sworn to before me by reliable electronic means
this 1st day of June, 2020.


U.S. Magistrate Judge Cheryl R. Zwart